

OCT 30 2003

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RCE/1700

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# REQUEST FOR CONTINUED EXAMINATION (RCE) TRANSMITTAL

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<i>Application Number</i>	09/317,409
<i>Filing Date</i>	May 24, 1999
<i>First Named Inventor</i>	Scott D. Lucas
<i>Art Unit</i>	1771
<i>Examiner Name</i>	J. Befumo
<i>Attorney Docket Number</i>	98035-01

**This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application.**

Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

**1. Submission required under 37 CFR 1.114**

Note: If the RCE is proper, any previously filed unentered and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such

- a.  Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.

i.  Consider the arguments in the Appeal Brief or Reply Brief previously filed on \_\_\_\_\_

ii.  Other \_\_\_\_\_

- b.  Enclosed

i.  Amendment/Reply      iii.  Information Disclosure Statement (IDS)  
 ii.  Affidavit(s)/Declaration(s)      iv.  Other Request for Reconsideration of Board Decision

**2. Miscellaneous**

- a.  Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of \_\_\_\_\_ months. (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(i) required)

- b.  Other \_\_\_\_\_

**3. Fees** The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.

- a.  The Director is hereby authorized to charge the following fees, or credit any overpayments, to

Deposit Account No. 03-4083

i.  RCE fee required under 37 CFR 1.17(e) 11/03/2003 BABRAHA1 00000118 034083 09317409  
 ii.  Extension of time fee (37 CFR 1.136 and 1.17) 01 FC:1801 770.00 DA  
 iii.  Other \_\_\_\_\_

- b.  Check in the amount of \$ \_\_\_\_\_ enclosed

- c.  Payment by credit card (Form PTO-2038 enclosed)

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**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED**

Name (Print / Type)	<u>Fran S. Wasserman</u>	Registration No. (Attorney / Agent)	34,273
Signature	<u>[Signature]</u>	Date	October 30, 2003

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Name (Print / Type)	<u>Ruth J. Olive</u>	Date	October 30, 2003
Signature	<u>Ruth J. Olive</u>	Date	October 30, 2003

This collection of information is required by 37 CFR 1.114. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing the burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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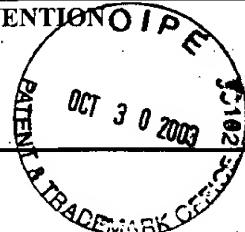
Applicant(s): Scott D. Lucas et al.

Docket No.

98035-01

Serial No.  
09/317,409Filing Date  
May 24, 1999Examiner  
J. BefumoGroup Art Unit  
1771

Invention:	PRODUCTS AND METHOD OF CORE CRUSH PREVENTION
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I hereby certify that the following correspondence:

Certificate of Express Mail, Request for Reconsideration of Board Decision on Appeal (2 pages in triplicate) and Request for Continued Examination Transmittal (1 page in duplicate) with Amendment.

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U. S. PATENT APPEALS  
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

*Ex Parte* SCOTT D. LUCAS  
and ROBIN K. MASKELL

Appeal No 2003-1974  
Application No.: 09/317,409

**REQUEST FOR RECONSIDERATION**

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This is a Request for Reconsideration of the September 30, 2003 Decision on Appeal affirming the Examiner's final rejection of Claims 55 and 57-59 under 35 USC §112, first paragraph. Reconsideration is requested in view of the following.

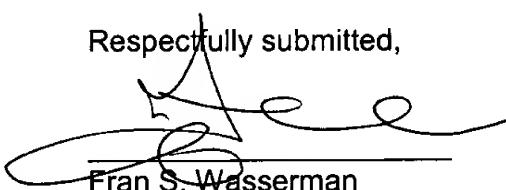
At issue is the phrase "in the absence of a tiedown ply contacting the honeycomb core" and the contention that this limitation in claim 55 is not supported by the present specification. The Board's decision is based on appellant's reliance on discussion in the specification relative to known methods to reduce core crush during autoclave process focusing on preventing the differential movement by either mechanical/physical means as exemplified by ties downs being used to keep the prepreg plies from differentially moving and Corbett's use of tie down plies for both the honeycomb core and the prepreg plies. Essentially, the Board concludes that since Corbett uses a tiedown ply for the honeycomb core that is separate and apart from the one for the prepreg plies, appellants disclosure of a tiedown ply being used to keep the prepreg plies from differentially moving would not be support for a tie down ply that contacts the honeycomb core. Appellants respectfully disagree.

Simply because the configuration in Corbett is one where there are two separate tie down plies for the honeycomb core and for the prepreg plies, respectively, it does not mean that Corbett stands for the overall teaching that in every instance where tie down plies are used these tie down plies will be separate and apart. Moreover, Appellants' claim reads "in the absence of a tie down ply contacting the honeycomb core" so the relevant feature is that the tie down ply contact the honeycomb core, not that it constrain its differential movement. In other

words just because the tie down ply contacts the honeycomb core does not mean that it would not be constraining the differential movement of the prepreg plies which abut the core and which are taught in the present specification.

In view of the foregoing claims 55 and 57-59 are in compliance with 35 USC §112, first paragraph. Reconsideration and reversal of the Board's affirmation of their final rejection thereunder are thus earnestly solicited.

Respectfully submitted,



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AF 1771  
Bd of Appeal

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of: Scott D. Lucas, et al. §§  
Serial No.: 09/317,409 §§ Group Art Unit: 1771  
Filed: May 24, 1999 §§ Examiner: J. Befumo  
For: **PRODUCTS AND METHOD OF**  
**CORE CRUSH PREVENTION** §§ Date: October 30, 2003

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**Amendment**

Claims 55 and 57-59 stand finally rejected after appeal. Filed herewith is a Request for Continued Examination of this application. Please amend claim 55 as follows:

Amendments to the Claims are reflected in the listing of claims which begins on page 2 of this paper.

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